

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JULY 13, 2011

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Miller Bhardwaj, Davies, Fulkerson.
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b)(3): Pending Litigation
2. Government Code section 54956.95: Liability Claims for Damages, etc. against the City of Trinidad, submitted by the following individuals:
 - Tsurai Ancestral Society, Axel Lindgren III, Kelly Jean Lindgren, Christine Williams, Kris K.C. Lindgren, Tanna Lindgren-Tripp, Sarah Lindgren-Akana, George E. Nelson, Patricia Bailey, Gary Nelson, Parris Lindgren, Chet Jarboe.

IV. RECONVENE TO OPEN SESSION

Mayor Bhardwaj concluded that no decision was reached on closed session discussion items.

V. APPROVAL OF AGENDA

- *Continue Consent Item 4 so the Tsurai Ancestral Society has an opportunity to review.*

*Motion (Miller/Davies) to approve the agenda as amended. **Passed unanimously.***

VI. APPROVAL OF MINUTES – June 08, 2011

- *Motion Fulkerson/Davies to approve the minutes as written. **Passed unanimously.***

VII. COMMISSIONERS REPORTS

Bhardwaj:

- **Trinidad Rancheria:** Tribal Council completed first draft of Rancheria General Plan. Sent to City for comment.

Morgan: Announced the Tsunami Siren testing event scheduled for next Tuesday, August 19th at 10:00am.

Fulkerson: Quality Community Design Committee met and discussed categories. Community is encouraged to submit nominations to Richard Johnson or at City Hall.

Davies: Gateway Committee meeting held to discuss relocation of new PG&E light poles in various locations. Committee supports the recommended locations. Also attended ribbon cutting ceremony at Saunders Park last week.

VIII. STAFF REPORTS

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet.

Richard Johnson – Planning Commission Chair

- Introduced new Commissioner Chuck Vanderpool.

IX. ITEMS FROM THE FLOOR

Shirley Laos – Trinidad Rancheria VP

Rancheria recently obtained a Bureau of Reclamation permit for groundwater sampling test wells. Also, economic development plans will be shared with the City when available. Introduced Robert Hempstead, new Tribal Council member.

Tim Breed – Trinidad Arts Night Representative

First Friday Arts night Coordinator, announced website, and updated the Council on the events happening and proposed in the future. Searching for funding support to continue promoting the event.

Sungnome Madrone – Trinidad Area Resident

Working with City Manager to develop and assist with a plan to fix the Van Wycke Trail.

X. CONSENT AGENDA

1. Staff Activities Report through June 2011
2. Financial Status Reports for May 2011
3. Distribution of Interest Earnings to Water and Cemetery Funds as per Audit Recommendations.
4. California Coastal Trail Signage Project.

*Motion (Fulkerson/Davies) to approve the consent agenda 1-3. **Passed unanimously.***

*Motion (Davies/Fulkerson) to continue consent agenda 4. **Passed unanimously.***

XI. AGENDA ITEMS

1. Discussion/Decision regarding Planning Commission Appointments.
Mayor Bhardwaj announced that (3) applications have been received for (2) Planning Commission vacancies.
 - Grace Rotwein – (2-year term) fulfill Jen Fraser's term
 - Mike Pinske – (4-year term)
 - Jim Gould

Mayor Bhardwaj recommended appointing Grace Rotwein and Mike Pinske. Council supported the Mayor's recommendations.

Public comment included:

John Spyropolous – Trinidad

Support Grace Rotwein and Mike Pinske.

Tom Odom – Trinidad

Supports the Mayor's recommendations.

Motion (Miller/Fulkerson) to appoint Grace Rotwein and Mike Pinske to the Planning Commission.

Passed unanimously.

2. Discussion/Decision regarding Draft Ordinance #2011-01; Amending section 2.20.090 of the Trinidad Municipal Code, Relating to the Qualifications of Planning Commission Members.
City Manager Suiker explained that this item was continued from the June meeting at the request of the public to give time to recruit volunteers from within the city limits.

Proposed language that could be added to the ordinance to make it more flexible would be: ...*"in the event there are no acceptable applicants from within the city limits, the council may decide to appoint up to 2 members"*...

Public comment included:

Jim Cuthbertson – Trinidad

I don't want members of the surrounding community deciding on city projects. I prefer having a Planning Commission that consists primarily of city residents.

Tom Odom – Trinidad

I can support the ordinance as amended/proposed by the City Manager.

Council comment included:

Fulkerson: This is a low-risk insurance policy that reaches out to the greater community if needed.

Davies: I support the ordinance with the proposed language added by the City Manager. **Miller** agreed.

*Motion (Fulkerson/Davies) to adopt Ordinance 2011-01; Amending section 2.20.090 of the Trinidad Municipal Code relating to the qualifications of Planning Commission members with the additional language proposed by the City Manager, and bring back in August for a second reading. **Passed unanimously.***

3. Discussion/Decision Regarding Draft Vacation Dwelling Unit Ordinance as Recommended by the Planning Commission.

City Planner Trevor Parker explained that in February 2011, the City Council reviewed a draft VDU ordinance that had been prepared by the City Attorney based on the recommendations of the VDU Advisory Committee. Because VDUs are a land use issue, this ordinance will become part of Trinidad's Zoning Ordinance. As such, it required review and approval / recommendation by the Planning Commission prior to Council adoption. Once the Planning Commission makes a recommendation for a Zoning Ordinance amendment, then a written report must be submitted to the Council explaining the recommendation and analyzing the relationship of the amendment to other Zoning Ordinance provisions and the General Plan.

This ordinance will have to also be certified by the CA Coastal Commission as part of the City's Local Coastal Plan (LCP), which includes the Zoning Ordinance. Unfortunately, the timeline for the Coastal Commission approving this is many months, certainly not until fall at the earliest. Parker has not received a determination from the Coastal Commission staff as to whether the City can start implementing this ordinance prior to Coastal Commission approval. She is of the opinion that insofar as it does not conflict with the existing LCP, then the City can start implementing it, but the Council may want an official determination either from the City Attorney or Coastal Commission staff. Parker recommended that the City submit an LCP amendment that includes both this VDU ordinance once it is adopted and the ADU (accessory dwelling unit) ordinance passed last year.

The VDU ordinance first appeared on the Planning Commission agenda in March 2011. As the result of some public comments and issues that were brought up but not addressed in the ordinance, the item was continued for several meetings. Most of the changes to the ordinance have been additions, and were also reviewed by the City Attorney. The ordinance has had support from the public in attendance and from the managers of the two local rental companies. I feel that the changes that have been made have made the ordinance much stronger than was originally written and will avoid much confusion and ambiguity in the future.

The following is a list of most of the major changes that were made to the ordinance from the original VDU Committee recommendation:

- Requirement to post septic system information in the VDU and tying the septic performance requirements to the OWTS program
- Requirement to post emergency preparedness information in the VDU (earthquakes, tsunamis, etc.)
- Requirement to provide a 'good neighbor brochure' with information on parking and noise
- Additional application submittal requirements such as a site and floor plan to verify compliance with the regulations, sample rental agreement and liability insurance
- Definition of event and visitor to define what types of activities (e.g. parties) can occur and how many people can be on the property
- Added an age to the definition of occupant so that small children would not be counted toward the maximum occupancy
- Changed the neighbor notification area to 100 feet rather than 300 feet to make it a more reasonable number of notices and consistent with other ordinances
- Added an allowance for multiple VDUs on a property
- Altered the business license appeal process to make it more workable
- Added a process to revoke a VDU license if multiple violations occur
- Added a provision to allow the City Manager to 'audit' the VDU records

Analysis: There is little reference to vacation rentals in current City ordinances. Section 17.56.06 (Home occupations) allows "rooming and boarding of not more than two persons" as an accessory use to any dwelling without a permit from the City. Home occupations are a principally permitted use in both

the residential zones in the City (UR and SR) (§17.32.020 and §17.28.020). Since Trinidad's ordinances are otherwise silent as to vacation rentals, technically, under current definitions, vacation rentals fall within the principally permitted uses of the Urban Residential zone (or Suburban Residential) as a single-family residence. The City's business license ordinance (Chapter 5.04) currently requires a standard business license for any commercial activity or home occupation, with few exceptions. The purpose of a business license is to generate revenue. The issuance of a business license does not require notification of neighboring properties or adherence to any standards.

General Plan Policy 45 contains language that both supports and conflicts with the proposed ordinance:

Trinidad's role in the effort to provide adequate housing is focused on three areas:

- (a) attempting to keep the cost of existing moderate cost housing down so it can continue to be available to people with limited incomes who desire to live in Trinidad.*
- (b) protecting the unique character of the of the city as a single family owner occupied fishing village;*
- (c) ...*

Part (a) seems to support the idea of vacation rentals because it makes housing more affordable in some ways. However, VDUs do conflict with the 'owner occupied' preference of part (b). Though not in a particular policy, the Trinidad General Plan does recognize the value of tourism to the community, even though it was written in the 1970's. Vacation rentals provide generally low-impact visitor accommodations while still allowing for single-family use. Families can rent out their homes while on vacation or until they are ready to live in Trinidad full-time. But they do have different impacts from permanent residences. The proposed regulations are designed to address the most common issues and complaints regarding VDUs.

The current draft of the Land Use Element of the new General Plan, which has been reviewed by both the Planning Commission and City Council, includes the following language encouraging the regulation of vacation rentals:

Vacation rentals have also become more numerous in the community, prompting concerns over their impact on residential neighborhoods. While the City recognizes the benefits of short-term vacation rentals to the City in terms of tourism, jobs, affordable housing and the economy, short-term vacation rentals also have the potential to adversely affect the small-town atmosphere of the City and to negatively impact the character of residential neighborhoods if they are not appropriately regulated.

LU-2.4.: Limitations and permitting requirements for all vacation rentals shall be specified in the City Zoning Ordinance. Conditions on any permit to operate a vacation rental shall include standards addressing the following at a minimum:

- Requirement to maintain a business license and pay transient occupancy taxes*
- Adequacy of the OWTS and notification to guests regarding proper operation*
Occupancy, parking, traffic, lighting and noise standards

Public comments included:

Mike Reinman – Trinidad Resident

Appreciate Planning Commission's detailed and thoughtful dialog. Support the ordinance as written.

*Motion (Morgan/Miller) to approve the first reading of Ordinance 2011-02; 17.53 Vacation Dwelling Units as proposed. **Passed unanimously.***

4. Discussion/Decision regarding Trinidad Head Study Group.

City Manager Suiker explained that the Council unanimously approved a motion to establish a seven member committee to:

- Compile the regulations that already govern Trinidad Head.
- Develop a set of guidelines that harmonize with existing ordinances and present them to the Council, Planning Commission, City Staff and members of the Public; and
- Recommend what additional work may be needed.

Public comment included:

Shirley Laos – Trinidad Rancheria VP

Requested to be on the committee along with Jackie Hostler, and that staff should assist with preparing meeting notifications.

Tom Odom – Trinidad

What happens to the trail while this committee is working? Why can it be cut?

Richard Johnson – Trinidad Area Resident

There should be a sunset for the committee. It can't go on forever. Objectives must be clear. Suggested the process conclude within 1-year and that the committee provide the Council with bi-monthly reports. ***Council agreed.***

By consensus, the Council agreed to adopt the committee, notify the public, accept statements of interest from applicants, and return in August with a list of members to select from.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 9:55 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Kathy Bhardwaj
Mayor